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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/744,594 | 08/10/2001 | Reinhard Becher | 449122001300 | 1643 |

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EXAMINER

ANWAH, OLISA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2614

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,594

Applicant(s)

BECHER ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,10-18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 6, 7, 10-12, 15-18, 21 and 23-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dahm et al, U.S. Patent No. 6,466,783 (hereinafter Dahm).

Regarding claim 1, Dahm discloses a method for performing a dialog between a service (see Figure 2B) of a telecommunication network (see Figure 1) and a subscriber connected to the network via a terminal (see Figure 2B), comprising:

outputting messages and/or input requests to the subscriber;

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inputting information by the subscriber in the dialog via the terminal, wherein the service is continued depending on a dialog result and the service transmits dialog information relating to performance of the dialog, independently of actions of the subscriber, to the terminal of the subscriber via a network connection;

storing the dialog information by the terminal, and the terminal performs the output to the subscriber by means of the stored dialog information based on a specific command;

receiving and processing via the terminal the input of the subscriber, and the terminal derives a dialog result and transmits the result to the service via a network connection, wherein

the stored dialog information is checked via the terminal to see whether it is adequate for performing the relevant dialog and, if not, a request message for the transmission of corresponding dialog information is sent, and the transmission of dialog information is requested via the terminal by means of a message sent to the network, and

the dialog information is in the form of code configured for execution as a program (see Figures 5A-5F).

Regarding claim 2, see Figures 5A-5F.

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Regarding claim 3, see Figures 5A-5F.

Regarding claim 4, see Figures 5A-5F.

Regarding claim 6, see Figure 1.

Regarding claim 7, see Figures 5A-5F.

Regarding claim 10, see Figures 5A-5F.

Regarding claim 11, Dahm discloses a telecommunication terminal (see Figure 2B) which can be connected to a telecommunication network (see Figure 1) and which is set up for exchanging messages and/or commands with the network and for outputting messages and input requests to a subscriber utilizing the terminal for using the network and for receiving inputs of the subscriber, comprising:

a memory device for storing dialog information relating to the performance of at least one dialog to the subscriber;

a control device for executing the output to the subscriber, for receiving and processing the input of the subscriber and for deriving a dialog result by means of the dialog information; and

a transmitting device for receiving dialog information, and for transmitting a dialog result via a network connection, wherein the terminal is configured to check the stored dialog information via the terminal to determine whether it is adequate

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for performing the relevant dialog and, if not, a request message for the transmission of corresponding dialog information is sent, and the transmission of dialog information is requested via the terminal by means of a message sent to the network, wherein the dialog information is in the form of code configured for execution as a program (see Figures 5A-5F).

Regarding claim 12, see Figure 2B.

Regarding claim 15, see Figure 6.

Regarding claim 16, see Figures 5A-5F.

Regarding claim 17, see Figure 1.

Regarding claim 18, Dahm discloses a telecommunication network (see Figure 1) in which services for subscribers can be used, comprising a dialog with the subscriber who uses the service and is connected to the network via a terminal (see Figure 2B) being provided in at least one of the services, and in the dialog, messages and/or input requests are output to the subscriber and information is input by the subscriber, wherein the network is set up for transmitting, depending on the service operation, the dialog information required by the terminal for performing the dialog, via a network connection, receiving a dialog result transmitted by the terminal and continuing service

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dependent on the result, wherein the network is configured for sending dialog information based on a specific request message by the terminal (see Figures 5A-5F).

Regarding claim 21, see Figure 2A.

Regarding claim 23, see Figures 5A-5F.

Regarding claim 24, see Figures 5A-5F.

Regarding claim 25, see Figures 5A-5F.

Regarding claim 26, see Figures 5A-5F.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 13, 14, 20 and 22 are rejected under 35 U.S.C. § 103(a) as being anticipated by Dahm in view of 'Wireless Application Protocol - Wireless Telephony Application Specification - Draft Version', 30 April 1998 (1998-04-30),

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WIRELESS APPLICATION PROTOCOL FORUM LTD. XP002128849

(hereinafter WAP).

Regarding claim 5, Although Dahm teaches a voice call option (see Figure 5A), Dahm does not clearly teach the output to the subscriber is effected at least partially via voice announcements, which are requested from the network and are received from the network via a voice channel of a network connection at the time of the output and are output to the subscriber. Nonetheless, WAP discloses this limitation (see section 14.3). As a result it would have been obvious to one of ordinary skill in the art to modify Dahm with the voice mail option of WAP. This modification would have improved the user friendliness of Dahm by providing a mechanism that allows mobile subscribers to easily access the mobile subscriber account services at anytime, from anywhere, without incurring significant additional costs to the mobile service providers (see column 1 of Dahm).

Claim 13 is rejected for the same reasons as claim 5.

Claim 14 is rejected for the same reasons as claim 5.

Claim 20 is rejected for the same reasons as claim 5.

Claim 22 is rejected for the same reasons as claim 5.

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Response to Arguments

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

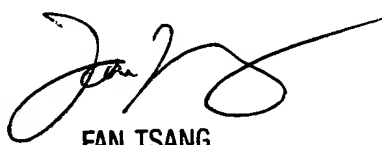
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
June 20, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
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